



June 4, 2002

Ms. Larissa T. Roeder
Assistant District Attorney
Dallas County
133 North Industrial Boulevard, LB 19
Dallas, Texas 75207-4399

OR2002-3017

Dear Ms. Roeder:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 163857.

The Dallas County District Attorney (the "district attorney") received five requests from the same requestor, all received on March 20, 2002, for the following information:

The "copies of documents [the requestor] provided to the Dallas Police Department" referred to in the third sentence of the third paragraph of the attached letter of March 15, 2002 from Larissa T. Roeder, Assistant District Attorney, Dallas County, Texas to the Honorable John Cornyn.

[T]he "enclosed copy of the 'July 24, 2001' letter". . . that [the district attorney] failed to enclose.

"Complaint" referred to in the second sentence of the second paragraph of the attached letter of March 15, 2002 from Larissa T. Roeder, Assistant District Attorney, Dallas County, Texas.

The "contact" between the Dallas Police Department and the Dallas County District Attorney referred to in the second sentence of the second paragraph of the attached letter of March 15, 2002 from Larissa T. Roeder, Assistant District Attorney, Dallas County, Texas. [The requestor seeks] the names of the persons who had contact, the date(s) of contact and any record(s) of the contact.

The "telephone conversation" referred to in the first sentence of the second paragraph of the attached letter of March 15, 2002 from Larissa T. Roeder, Assistant District Attorney, Dallas County, Texas.

On April 11, 2002, the district attorney received an additional request for the following information:

“The circumstances of this incident’ and “the information available” referred to in the first sentence of the second paragraph of the attached letter of March 21, 2002 from Eric Mountin.

The information upon which Mr. Mountin and/or the district attorney bases his belief that there was no “failure on the part of the police department’s Internal Affairs Division or Public Integrity Unit to appropriately review the incident.” (Please see first sentence of third paragraph of Mr. Mountin’s letter of March 21, 2002[.])

You inform us that “copies of documents [the requestor] provided to the Dallas Police Department” and a “copy of the ‘July 24, 2001’ letter. . . that [the district attorney] failed to enclose” have been released to the requestor. You state that the requested information was the subject of a previous ruling from this office. In Open Records Letter No. 2002-2792 (2002), we concluded that the district attorney may withhold the remaining information under section 552.108(a)(2) of the Government Code. Therefore, as you do not inform us that any facts or circumstances on which the prior ruling was based have changed since the issuance of the ruling, the district attorney may withhold the information previously submitted in accordance with Open Records Letter No. 2002-2792 (2002). *See* Gov’t Code § 552.301(f); Open Records Decision No. 673 (2001).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be

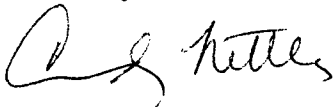
provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Cindy Nettles
Assistant Attorney General
Open Records Division

CN/seg

Ref: ID# 163857

Enc. Submitted documents

c: Mr. Frederick Hal Slice
2406 Diamond Oaks
Garland, Texas 75044
(w/o enclosures)